

---

---

**UNITED STATES DISTRICT COURT**

---

---

**EASTERN DISTRICT OF TEXAS**

---

---

BRUCE ALLEN RUTHERFORD #27006-078 §

*versus*

UNITED STATES OF AMERICA

§

§

§

§

CIVIL ACTION NO. 4:19-CV-348

CRIMINAL ACTION NO. 4:17-CR-41(1)

**MEMORANDUM OPINION AND ORDER**

On July 17, 2023, Appellant Bruce Allen Rutherford filed a motion for leave to appeal *in forma pauperis* (Dkt. #68). Appellant may proceed *in forma pauperis* on appeal only if he is economically eligible and presents a nonfrivolous issue. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982).

A review of the case reveals that, on June 22, 2023, Appellant filed a Notice of Appeal (Dkt. #66) concerning the Court's denial of his "Motion to Reconsider Ruling on Defendant's Rule 60(b)(6) Motion on Judicial Bias, Prejudice, and Abuse of Discretion." On July 17, 2023, he also filed a Notice of Appeal (Dkt. #67) concerning the Final Judgment (Dkt. #51) issued in this case. Since Appellant filed the instant motion on the same day that he filed his Notice of Appeal concerning Final Judgment, it is reasonable to conclude that appealing Final Judgment is the matter in which he seeks to proceed *in forma pauperis*. Nonetheless, Appellant attached a copy of his trust data sheet to his motion, which shows \$815.53 in "National 6 Months Deposits" and \$956.30 in "National 6 Months Avg Daily Balance." Based on the financial information, Appellant fails to show he is economically eligible to proceed *in forma pauperis* on appeal, regardless of whether he seeks such status for appealing the Final Judgment or the Postjudgment Order denying his "Motion to Reconsider Ruling on Defendant's Rule 60(b)(6) Motion on Judicial

Bias, Prejudice, and Abuse of Discretion.” *Id.* He also fails to present a nonfrivolous issue on appeal. *Id.*

It is therefore **ORDERED** the motion for leave to appeal *in forma pauperis* (Dkt. #68) is **DENIED**.

SIGNED at Beaumont, Texas, this 17th day of August, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE